

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

WRIGHT MANUFACTURING,  
INC.,

Appellant,

CAFC Case No. 14-1534

v.

THE TORO COMPANY,

Appellee.

*Appeal from the Patent Trial and Appeal Board (PTAB) in  
Reexamination No. 95/001,741*

**APPELLANT’S UNOPPOSED MOTION TO EXTEND TIME  
FOR FILING APPELLANT’S OPENING BRIEF**

Pursuant to the Rules of the United States Court of Appeals for the Federal Circuit, Appellant Wright Manufacturing, Inc. (“Appellant”), respectfully requests an extension of time until and including September 22, 2014 (from August 11, 2014) to file its Opening Brief. This is the first extension sought by Appellant in this appeal.

Appellant has discussed this with Appellee The Toro Company, and Appellee does not oppose this motion.

Appellant seeks this extension for multiple reasons, examples of which include the following. Between the present date and the end of August, 2014,

the undersigned: (a) has a final oral hearing in an IPR trial proceeding, (b) has five (5) main response briefs, and discovery, due in five other IPR trial proceedings, and (c) has four (4) preliminary responses due in four other IPR proceedings. The undersigned is lead counsel in both this matter and in each of these IPR proceedings. Because of these factors, Appellant's counsel may not have sufficient time to prepare Appellant's Opening Brief.

Another purpose of this motion is to link the briefing schedules in this appeal and in another related appeal (14-1558). Appellant is filing a motion for a 30 day extension in Appeal 14-1558, so that if both motions are granted the briefing schedules in both appeals will be the same.

Appellee does not oppose this motion.

For the above reasons, Appellant believes that an extension of time, until and including September 22, 2014, is reasonable and asks the Court to grant this motion. A proposed order believed appropriate for entry by this Court is attached to this motion.

Dated: July 8, 2014

Respectfully submitted,

/s/ Joseph A. Rhoa

Joseph A. Rhoa

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*WRIGHT MANUFACTURING, INC.*

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**DECLARATION OF JOSEPH A. RHOA**

I, Joseph A. Rhoa, declare as follows. All facts recited herein are based on my personal knowledge.

1. I am an attorney in the law firm of NIXON & VANDERYE P.C. and am principal counsel for Appellant Wright Manufacturing, Inc. in this appeal. I submit this declaration of counsel in connection with Appellant's Motion to Extend Time for Filing Appellant's Opening Brief, which seeks to extend the due date of Appellant's Opening Brief to and including September 22, 2014.

2. All of the facts set forth in the motion are true and correct and are based on my personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2014

/s/ Joseph A. Rhoa

Joseph A. Rhoa

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*Attorney for Appellant*

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**ORDER GRANTING MOTION TO EXTEND TIME**

UPON CONSIDERATION OF Appellant's Unopposed Motion to  
Extend Time for Filing Appellant's Opening Brief,

IT IS ORDERED that:

The Motion is granted, and the time for filing Appellant's Opening  
Brief shall be extended up to and including September 22, 2014.

Date: \_\_\_\_\_

Form 9

**FORM 9. Certificate of Interest****UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**Wright Manufacturing, Inc. v. The Toro CompanyNo. 14-1534**CERTIFICATE OF INTEREST**

Counsel for the (appellant)

Wright Manufacturing, Inc. certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Wright Manufacturing, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

The party named in the caption is the real party in interest

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

There is no parent corporation, and no publicly held company owns 10 percent or more of the stock of the party represented by me.

4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Nixon & Vanderhye P.C. - Joseph A. Rhoa6/24/2014

Date

/s/ Joseph A. Rhoa

Signature of counsel

Joseph A. Rhoa

Printed name of counsel

Please Note: All questions must be answered

cc: \_\_\_\_\_

FORM 30. Certificate of Service

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on  
by:

Jul 8, 2014

- ☐ US mail  
☐ Fax  
☐ Hand  
☒ Electronic Means  
(by email or CM/ECF)

Joseph A. Rhoa

Name of Counsel

/s/ Joseph A. Rhoa

Signature of Counsel

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.